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REMARKS

Applicants respectfully request reconsideration of the application identified above. Claims 40-59 are pending and claims 40, 46, 48 and 55 are amended. The rejections as conceivably applied to the pending claims are respectfully traversed.

I. Allowable Subject Matter

Applicants note with appreciation Examiner Barfield's statement that claims 46-47 would be allowable if rewritten in independent form including all of the limitations at the base claim and any intervening claims. Applicants have rewritten in independent form claim 46, but have not included the limitations of all the intervening claims because, after careful consideration, Applicants believe that these limitations are not required for patentability.

II. Rejections Based on Roslund, Jr. et al

As previously presented, claims 40-45, 48-50 and 53-59 were rejected under 35 U.S.C. §102(e) as being anticipated by Roslund, Jr. et al.

Roslund shows a chair including an adjustable armrest. As shown in Figs. 6, 7, 9 and 10, an armrest support post 14 includes a sleeve mount 32 over which a height adjustable sleeve 53 is mounted. The sleeve 53 includes notches that define different heights at which the armrest can be positioned. As shown in Fig. 10, a button 117 is connected to a plunger 159. When a user manually depresses the button 117 upwardly (Fig. 10), an upward force acts on the upper lever wall 152, which causes the lock lever 146 to pivot away from the notches, thereby removing the projection 150 from the height notches 60. After the button is pushed by the user, the user can then manually lift or lower the armrest to any height. Col. 8, Lns. 45-52.

Downward movement of the Roslund arm housing 52 stops at a lower limit of travel by the bottom surface of the lock lever 122 contacting the upper surface 91a of the guide block 91. In contrast, upward movement of the arm housing 52 stops at an upper limit of travel by the upward-facing shoulder 52a of the arm housing 52 contacting the bottom surface 91b of the guide block 91. Col. 8, Lns. 55-61. None of these components contact—nor even effect movement of—the plunger 150, 156 of Roslund during the contact of any of these components to restrict downward or upper movement.

The Applicants respectfully submit that Roslund fails to disclose, teach or suggest the subject matter of the amended independent claims, namely: (a) a seat and an armrest assembly wherein at least one of a plunger and a plurality of notches is shaped so that the plunger automatically reciprocates into and out from at least one of a plurality of notches when a user moves the armpad away from the upright (claim 40); (b) a first reset surface that engages the plunger and locks the plunger in a locked position so that the tube and upright freely retract relative to one another, or a first reset surface that automatically locks the plunger in a locked position when the upright and the tube are extended to an extreme extended position (claim 48); or (c) at least one of notches and a plunger including a reset surface that automatically resets the plunger to a default position wherein the tube in the upright are retractable to the reset position when the plunger is in the default position (claim 55).

In contrast, with regard to amended independent claim 40, none of the notches 60 nor the projection 150 nor the plunger 156 include a surface shaped so that the plunger automatically reciprocates relative to the notches when a user moves the armrest upward. Instead, additional, cumbersome manual manipulation is required of a user to adjust the height of

the armrest. Specifically, a user must depress the button 117 to move the plunger 156, and subsequently retract the projection 150 out from the notches 60. Nothing is automatic about this procedure, nor is the Roslund armrest designed to move when a user moves the armpad away from the upright.

With respect to amended independent claims 48 and 55, the Office Action asserts that Roslund “reset means includes a catch (151), a first surface (52a) to reset the plunger at its upper extreme and a second surface (91a) to reset the plunger at the lower extreme of the armrest assembly.” The Applicants disagree. Roslund merely discloses that downward movement of the arm housing 52 is *stopped* at a lower limit via contact of the bottom surface of the lock lever 122 with the upper surface 91a of the guide block 91. Likewise, upward movement of the housing 52 is *stopped* at an upper limit by upward facing shoulder 52a of the arm housing 52 contacting the bottom surface 91b of the guide block 91. As is clear from the illustrations and the specification, none of these surfaces, nor any other component of Roslund “resets” or even engages in any manner the plunger 156 or related projection. Moreover, no Roslund component automatically locks the plunger in a locked position. In contrast, a user must manually depress the button 117 every time he or she wants to move the armrest up or down.

The dependent claims recite additionally patentable subject matter, and are therefore allowable for the reasons set forth above in connection with the amended independent claims.

It is respectfully submitted that claims 40-45, 48-50, and 53-59 are patentable; and that the rejection based on Roslund is improper and should be withdrawn.

III. Prior Art Rejections Based on Lee

As previously presented, claims 48-52 were rejected under 35 U.S.C. §102(e) as being anticipated by Lee.

Lee is directed to a rotatable and height-adjustable armrest. As shown in Figs. 2-4, the armrest includes a control arm 22 that can be used to adjust the angular position and height of the armrest housing 20. The control arm 22 includes a hand control 23 at one end, and a plunger 24 and stop arm 25 at the other end. The plunger 24 interfits into selected locating holes 311 to adjust the height and relative angular orientation of the armrest (Fig. 4). In operation, a user must depress the control portion 23 which disengages the plunger 24 from the locating hole 311 so that a user can adjust the armrest height.

Applicants respectfully submit that Lee fails to disclose, teach or suggest the subject matter of amended independent claim 48, namely: (a) at least one of an upright and a tube including a first reset surface that engages a plunger and locks the plunger in a locked position so that the tube and the upright freely retract relative to one another, or (b) wherein the first reset surface automatically locks the plunger in the locked position when the upright and the tube are extended to an extreme extended position. The Office Action does not identify any component or structure that is a reset surface, let alone a reset surface that engages the plunger and locks the plunger in a lock position. Indeed, there is no such component in Lee. All movement of the plunger 24 into the holes 31 must be performed by a user manually depressing the lever 23—there simply is no way for the plunger to be in locked position so that the tube and the upright freely retract relative to one another without manual depression of the lever 23.

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The dependent claims recited additional subject matter, and are therefore allowable for the reasons set forth above in connection with the amended independent claim 48.

It is respectfully submitted that claims 48-52 are patentable; and that the rejection based on Lee is improper, and should be withdrawn.

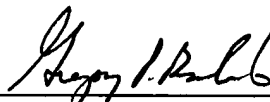
CONCLUSION

In view of the above amendments and these Remarks, Applicants respectfully submit that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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